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*Counsel for Plaintiffs Andrea M. Williams,
James Stewart, and the Certified Class*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**ANDREA M. WILLIAMS AND JAMES
STEWART, On Behalf of Themselves And
All Others Similarly Situated,**

Plaintiffs,

v.

APPLE INC.,

Defendant.

No. 5:19-cv-4700-LHK

**CLASS PLAINTIFFS' MOTION FOR
ADMINISTRATIVE RELIEF TO
SECURE THE NEXT AVAILABLE
HEARING DATE FOR THEIR PLANNED
MOTION FOR SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT OR SUMMARY
ADJUDICATION**

(Civil L.R. 7-11)

**Judge: Hon. Lucy H. Koh
Courtroom 8, 4th Floor**

*Williams et al., v. Apple Inc.,
No. 5:19-cv-4700-LHK*

CLASS PLAINTIFFS' MOTION FOR
ADMINISTRATIVE RELIEF TO SECURE
NEXT AVAILABLE HEARING DATE FOR
THEIR PLANNED SUMMARY JUDGMENT
MOTION

1 On May 28, 2021, the Court granted in part and denied in part Plaintiffs' motion for class
 2 certification. *See* Dkt. No. 110. The Class Plaintiffs are now ready to move for summary judgment
 3 or, in the alternative, partial summary judgment or summary adjudication. Class Counsel contacted
 4 Judge Koh's Calendar and Courtroom Deputy to secure the next available hearing date for that
 5 planned motion but was advised that the hearing on dispositive motions was set for November 18,
 6 2021 by the Case Management Order ("CMO") [Dkt. No. 108]. *See* Ex. 1 to Declaration of Roy A.
 7 Katriel (e-mailed exchange between Class Counsel and Courtroom Deputy). The Courtroom Deputy
 8 advised Class Counsel that he may file a Motion for Administrative Relief seeking to advance the
 9 hearing to the next available court date. *Id.*

10 Class Counsel understands that the CMO sets *deadlines* for pretrial filings and events.¹ The
 11 Class Plaintiffs, however, are prepared to file their dispositive motion now because it is Class
 12 Counsel's position that the discovery and filings to date establish the class members' entitlement to
 13 judgment as a matter of law. Given that, Class Counsel respectfully requests that the Court reserve
 14 its next available date for a hearing on the Class Plaintiffs' planned motion for summary judgment
 15 or, in the alternative, partial summary judgment or summary adjudication. Doing so, will enhance
 16 judicial efficiency by permitting consideration of a motion that has the potential to dispose of the
 17 entire case (or pertinent elements of it) at the earliest possible time.² There is no good reason for
 18 requiring Class Plaintiffs to wait for nearly half a year before arguing a motion they are prepared to
 19 argue now.³

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 21 ¹ The latest CMO sets forth "deadlines" for pretrial events. *See* Dkt. No. 108 at p.2 Table
 22 Headings (listing "Current Deadline" and "Proposed Deadline" for the itemized pretrial events).
 23 The Courtroom Deputy, however, advised Class Counsel that a motion to advance the hearing
 24 would have to be filed in order to seek a hearing date before the November 18, 2021 deadline for
 25 the dispositive motion hearing set forth in the CMO. *See* Ex. 1 to Katriel Decl.

26 ² The Federal Rules of Civil Procedure also are in accord. *See* Fed. R. Civ. P. 56(b) ("Unless a
 27 different time is set by local rule or the court orders otherwise, a party may file a motion for
 28 summary judgment at any time until 30 days after the close of all discovery.").

³ Because a class already has been certified and because the notice and opt-out period may be
 completed well before the Court were to rule on the planned motion for summary judgment, there
 is no one-way intervention obstacle to the Class Plaintiffs' planned filing.

1 The Class Plaintiffs' request also follows Apple's expressed intent. In the latest Joint Case
2 Management Statement, Apple's counsel endorsed an early dispositive motion filing, representing to
3 the Court that "Apple anticipates filing a motion for summary judgment at the earliest opportunity."
4 Dkt. No. 105 [Joint Case Management Statement], at 2:25.

5 If the Court grants this Motion for Administrative Relief, Class Counsel is prepared to file
6 the Class Plaintiffs' motion for summary judgment or, in the alternative, partial summary judgment
7 or summary adjudication by the end of the following business day, as required by Judge Koh's
8 Scheduling Notes. If, on the other hand, this request were denied and the dispositive motion were
9 not to be heard until the November 18, 2021 deadline set by the CMO, Class Counsel would withhold
10 filing the motion until the dispositive motion filing deadline provided in the CMO.⁴

11 **PRE-FILING CERTIFICATION OF COUNSEL**

12 Before filing this Motion For Administrative Relief, Class Counsel contacted Apple's
13 counsel but did not obtain a stipulation for the requested relief. As required by Civil L.R. 7-11, a
14 supporting Declaration and Proposed Order accompanies this filing.

15 **CONCLUSION**

16 For the foregoing reasons, the Class Plaintiffs' Motion for Administrative Relief should be
17 granted, and the Court should reserve its next available date for the Class Plaintiffs' planned motion
18 for summary judgment or, in the alternative, partial summary judgment or summary adjudication.
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28 ⁴ Class Counsel understands Judge Koh's practice is to limit each side to one summary judgment motion.

1 Dated: June 1, 2021

Respectfully submitted,

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3 /s/ Roy A. Katriel

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